

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

RICKY SIMERLY,

Plaintiff,

v.

3:06-cv-114

SHERIFF JAMES BERRONG  
and CAPTAIN DAN NEUBERT,

Defendants.

**JUDGMENT ORDER**

In accordance with the accompanying Memorandum Opinion, the court **ORDERS** that this action is **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the orders of the court. Plaintiff is **ASSESSED** the full filing fee of \$250.00. The court further **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous.

**E N T E R:**

s/ James H. Jarvis  
United States District Judge